

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 160

AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.90-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

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- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
- (10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
- (11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
  - (A) the variance procedures are included in the rules; and
  - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, or IC 4-35-4-2.
- (17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
- (18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
- (19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
- (20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
- (21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
- (22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.

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(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

**(32) An emergency rule adopted by the athletic commission under IC 25-9-1-4.5.**

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall

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determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

- (1) accept the rule for filing; and
- (2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).
- (3) The effective date stated by the adopting agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

- (1) sections 24 through 36 of this chapter; or
- (2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

- (1) The expiration date stated by the adopting agency in the rule.

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(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 2. IC 10-13-3-38.5, AS AMENDED BY P.L.1-2006, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by IC 20-22-2-1;

(E) at the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1;

(F) at a juvenile detention facility;

(G) with the Indiana gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including

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state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the department of education established by IC 20-19-3-1.

(3) Use by the state ~~boxing~~ **athletic** commission established under IC 25-9-1-1 for licensure of a promoter (as defined in IC 25-9-1-0.7) under IC 25-9-1.

(4) Use by the Indiana board of pharmacy in determining the individual's suitability for a position or employment with a wholesale drug distributor, as specified in IC 25-26-14-16(b), IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.

An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 3. IC 22-12-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. "Regulated place of amusement or entertainment" refers to the following:

(1) A theater, opera house, movie theater, dance hall, night club with a stage or floor show, or another place that offers an amusement or entertainment to the public for consideration or promotional purposes.

(2) A place where a boxing, **sparring, or unarmed combat match or** exhibition is conducted under the supervision of the state ~~boxing~~ **athletic** commission.

(3) A hall, gymnasium, or place of assembly where a school, college, university, social or fraternal organization, lodge, farmers organization, society, labor union, trade association, or church holds any type of amusement.

(4) A public or private place where a regulated amusement device

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is operated.

SECTION 4. IC 25-1-2-6, AS AMENDED BY P.L.3-2008, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private investigator and security guard licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State ~~boxing~~ **athletic** commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.

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- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) State board of massage therapy.
- (44) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 5. IC 25-1-4-0.3, AS AMENDED BY P.L.2-2008, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.3. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- ~~(6) State boxing commission (IC 25-9-1).~~
- ~~(7)~~ (6) Board of chiropractic examiners (IC 25-10-1).
- ~~(8)~~ (7) State board of cosmetology examiners (IC 25-8-3-1).
- ~~(9)~~ (8) State board of dentistry (IC 25-14-1).
- ~~(10)~~ (9) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(11)~~ (10) State board of registration for professional engineers (IC 25-31-1-3).
- ~~(12)~~ (11) Board of environmental health specialists (IC 25-32-1).

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- ~~(13)~~ **(12)** State board of funeral and cemetery service (IC 25-15-9).
- ~~(14)~~ **(13)** Indiana state board of health facility administrators (IC 25-19-1).
- ~~(15)~~ **(14)** Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- ~~(16)~~ **(15)** Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(17)~~ **(16)** Indiana hypnotist committee (IC 25-20.5-1-7).
- ~~(18)~~ **(17)** State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(19)~~ **(18)** Manufactured home installer licensing board (IC 25-23.7).
- ~~(20)~~ **(19)** Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(21)~~ **(20)** Indiana state board of nursing (IC 25-23-1).
- ~~(22)~~ **(21)** Occupational therapy committee (IC 25-23.5).
- ~~(23)~~ **(22)** Indiana optometry board (IC 25-24).
- ~~(24)~~ **(23)** Indiana board of pharmacy (IC 25-26).
- ~~(25)~~ **(24)** Indiana physical therapy committee (IC 25-27-1).
- ~~(26)~~ **(25)** Physician assistant committee (IC 25-27.5).
- ~~(27)~~ **(26)** Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(28)~~ **(27)** Board of podiatric medicine (IC 25-29-2-1).
- ~~(29)~~ **(28)** Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(30)~~ **(29)** State psychology board (IC 25-33).
- ~~(31)~~ **(30)** Indiana real estate commission (IC 25-34.1-2).
- ~~(32)~~ **(31)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(33)~~ **(32)** Respiratory care committee (IC 25-34.5).
- ~~(34)~~ **(33)** Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- ~~(35)~~ **(34)** Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(36)~~ **(35)** Indiana board of veterinary medical examiners (IC 25-38.1-2).

SECTION 6. IC 25-1-6-3, AS AMENDED BY P.L.3-2008, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects

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(IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

~~(5) State boxing commission (IC 25-9-1).~~

~~(6)~~ (5) State board of cosmetology examiners (IC 25-8-3-1).

~~(7)~~ (6) State board of funeral and cemetery service (IC 25-15-9).

~~(8)~~ (7) State board of registration for professional engineers (IC 25-31-1-3).

~~(9)~~ (8) Indiana plumbing commission (IC 25-28.5-1-3).

~~(10)~~ (9) Indiana real estate commission (IC 25-34.1).

~~(11)~~ (10) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

~~(12)~~ (11) Private investigator and security guard licensing board (IC 25-30-1-5.2).

~~(13)~~ (12) State board of registration for land surveyors (IC 25-21.5-2-1).

~~(14)~~ (13) Manufactured home installer licensing board (IC 25-23.7).

~~(15)~~ (14) Home inspectors licensing board (IC 25-20.2-3-1).

~~(16)~~ (15) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 7. IC 25-1-7-1, AS AMENDED BY HEA 1198-2009, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

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- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State ~~boxing~~ **athletic** commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).

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(37) State department of health, for out-of-state mobile health care entities.

(38) State board of massage therapy (IC 25-21.8-2-1).

(39) Any other occupational or professional agency created after June 30, 1981.

SECTION 8. IC 25-1-8-1, AS AMENDED BY P.L.3-2008, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State ~~boxing~~ **athletic** commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private investigator and security guard licensing board

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- (IC 25-30-1-5.2).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) State board of massage therapy (IC 25-21.8-2-1).
- (39) Any other occupational or professional agency created after June 30, 1981.

SECTION 9. IC 25-1-8-6, AS AMENDED BY P.L.105-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- ~~(6) State boxing commission (IC 25-9-1).~~
- ~~(7)~~ (6) Board of chiropractic examiners (IC 25-10-1).
- ~~(8)~~ (7) State board of cosmetology examiners (IC 25-8-3-1).
- ~~(9)~~ (8) State board of dentistry (IC 25-14-1).
- ~~(10)~~ (9) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(11)~~ (10) State board of registration for professional engineers (IC 25-31-1-3).
- ~~(12)~~ (11) Board of environmental health specialists (IC 25-32-1).
- ~~(13)~~ (12) State board of funeral and cemetery service (IC 25-15-9).
- ~~(14)~~ (13) Indiana state board of health facility administrators (IC 25-19-1).
- ~~(15)~~ (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).

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- ~~(16)~~ **(15)** Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(17)~~ **(16)** Indiana hypnotist committee (IC 25-20.5-1-7).
- ~~(18)~~ **(17)** State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(19)~~ **(18)** Manufactured home installer licensing board (IC 25-23.7).
- ~~(20)~~ **(19)** Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(21)~~ **(20)** Indiana state board of nursing (IC 25-23-1).
- ~~(22)~~ **(21)** Occupational therapy committee (IC 25-23.5).
- ~~(23)~~ **(22)** Indiana optometry board (IC 25-24).
- ~~(24)~~ **(23)** Indiana board of pharmacy (IC 25-26).
- ~~(25)~~ **(24)** Indiana physical therapy committee (IC 25-27).
- ~~(26)~~ **(25)** Physician assistant committee (IC 25-27.5).
- ~~(27)~~ **(26)** Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(28)~~ **(27)** Board of podiatric medicine (IC 25-29-2-1).
- ~~(29)~~ **(28)** Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(30)~~ **(29)** State psychology board (IC 25-33).
- ~~(31)~~ **(30)** Indiana real estate commission (IC 25-34.1-2).
- ~~(32)~~ **(31)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(33)~~ **(32)** Respiratory care committee (IC 25-34.5).
- ~~(34)~~ **(33)** Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- ~~(35)~~ **(34)** Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(36)~~ **(35)** Indiana board of veterinary medical examiners (IC 25-38.1).
- ~~(37)~~ **(36)** State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

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(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 10. IC 25-1-11-1, AS AMENDED BY P.L.3-2008, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

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- (5) State ~~boxing~~ **athletic** commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (13) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) State board of massage therapy (IC 25-21.8-2-1).

SECTION 11. IC 25-1-14-2, AS AMENDED BY P.L.105-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

- (1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and
- (2) by using a means of communication that permits:
  - (A) all other members participating in the meeting; and
  - (B) all members of the public physically present at the place where the meeting is conducted;
 to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

- (1) all other members participating in the meeting; and
- (2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state ~~boxing~~ **athletic** commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:

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- (1) all other members participating in the meeting; and
  - (2) all members of the public physically present at the place where the meeting is conducted;
- to simultaneously communicate with each other during the meeting.
- (d) A member who participates in a meeting under subsection (b) or (c):
- (1) is considered to be present at the meeting;
  - (2) shall be counted for purposes of establishing a quorum; and
  - (3) may vote at the meeting.

SECTION 12. IC 25-9-1-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.1. As used in this chapter, "boxing" means the art of attack and defense with the fists, or feet in the case of kick boxing, practiced as a sport.**

SECTION 13. IC 25-9-1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.2. As used in this chapter, "commission" refers to the state athletic commission established by IC 25-9-1-1.**

SECTION 14. IC 25-9-1-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.3. As used in this chapter, "mixed martial arts" means the unarmed physical confrontation of persons involving the use, subject to limitations as established by the commission, of a combination of techniques from different disciplines of the martial arts, including grappling, kicking, and striking.**

SECTION 15. IC 25-9-1-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.4. As used in this chapter, "professional boxer" means a person who competes for money, teaches, pursues, or assists in the practice of boxing as a means to obtain a livelihood or pecuniary gain.**

SECTION 16. IC 25-9-1-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter, "sparring" means combat in which participants intend to and actually:**

- (1) inflict kicks, punches, and blows; and
- (2) apply other techniques;

**that may reasonably be expected to inflict injury on an opponent in a contest, exhibition, or performance.**

SECTION 17. IC 25-9-1-0.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.8. As used in this chapter, "unarmed combat"**

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means the practice, or any related practice, of mixed martial arts or martial arts.

SECTION 18. IC 25-9-1-0.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.9. As used in this chapter, "unarmed competitor" means a person who engages in an unarmed combat match, contest, exhibition, or performance.**

SECTION 19. IC 25-9-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** There is hereby created a commission to be known as the state ~~boxing~~ **athletic** commission, consisting of three (3) persons to be appointed by the governor. The governor shall initially appoint one (1) of said commissioners for a period of one (1) year, one (1) for a period of two (2) years, and one (1) for a period of three (3) years; and upon the expiration of the terms of such respective commissioners, the governor shall appoint their successors, each to serve for a term of three (3) years, and all to serve until their successors are appointed and qualified. The members of the commission shall each be paid a salary per diem for each day engaged in the discharge of ~~his~~ **the member's** duties, and reimbursement for all necessary traveling and hotel expenses expended outside the city of Indianapolis in accordance with travel policies and procedures established by the department of administration and the state budget agency.

**(b) The purpose of the commission is to ensure the:**

- (1) safety of participants in;**
- (2) fairness of; and**
- (3) integrity of;**

**sparring, boxing, and unarmed combat matches or exhibitions in Indiana.**

SECTION 20. IC 25-9-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. (a) As used in this chapter, "fund" refers to the athletic commission fund created by this section.**

**(b) The athletic commission fund is created for purposes of administering this chapter. The fund shall be administered by the Indiana gaming commission.**

**(c) Expenses of administering the fund shall be paid from money in the fund.**

**(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.**

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(e) The fund consists of:

- (1) appropriations made by the general assembly;
- (2) fees collected under this chapter; and
- (3) penalties collected under this chapter.

(f) An amount necessary to administer this chapter is continually appropriated from the fund to the Indiana gaming commission.

(g) If the balance in the fund at the end of a particular fiscal year exceeds one hundred thousand dollars (\$100,000), the amount that exceeds one hundred thousand dollars (\$100,000) reverts to the state general fund.

SECTION 21. IC 25-9-1-3, AS AMENDED BY P.L.197-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The ~~executive director of the~~ **Indiana professional licensing agency gaming commission** may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring, or boxing, or **unarmed combat** matches or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The ~~licensing agency~~ **executive director of the Indiana gaming commission** may appoint and remove a secretary for the commission, who shall:

- (1) keep a full and true record of all the commission's proceedings;
- (2) preserve at its general office all the commission's books, documents, and papers;
- (3) prepare for service notices and other papers as may be required by the commission; and
- (4) perform other duties as the ~~licensing agency~~ **executive director of the Indiana gaming commission** may prescribe.

The ~~licensing agency~~ **executive director of the Indiana gaming commission** may employ only such clerical employees as may be actually necessary and fix their salaries as provided by law.

(c) The **executive director of the Indiana gaming commission or a deputy appointed under subsection (a) may, upon the request of the commission, execute orders, subpoenas, continuances, and other legal documents on behalf of the commission.**

~~(c)~~ (d) Each commissioner shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in

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the discharge of their official duties. All reimbursements for traveling expenses shall be in accordance with travel policies and procedures established by the Indiana department of administration and the budget agency. All expenses incurred in the administration of this chapter shall be paid from the ~~general~~ fund upon appropriation being made for the expenses.

SECTION 22. IC 25-9-1-4, AS AMENDED BY P.L.1-2006, SECTION 425, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The commission shall maintain offices for the transaction of its business in the city of Indianapolis, Indiana, and may, with the approval of the **executive director of the Indiana professional licensing agency (IC—25-1-5-3)**, **gaming commission**, incur the necessary expense for rent, office furniture, stationery, printing, and other incidental expense.

SECTION 23. IC 25-9-1-4.5, AS ADDED BY P.L.112-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. **(a)** In accordance with IC 35-45-18-1(b), the commission ~~shall~~ **may** adopt rules under IC 4-22-2 to ~~define~~ **regulate the conduct of** the following:

- ~~(1) Ultimate fighting.~~
- ~~(2) Ultimate Fighting Championships.~~
- ~~(3) (1) Mixed martial arts.~~
- ~~(4) (2) Martial arts, including the following:~~
  - (A) Jujutsu.
  - (B) Karate.
  - (C) Kickboxing.
  - (D) Kung fu.
  - (E) Tae kwon do.
  - (F) Judo.**
  - (G) Sambo.**
  - (H) Pankration.**
  - (I) Shootwrestling.**
- ~~(5) (3) Professional wrestling.~~
- (4) Boxing.**
- (5) Sparring.**

**(b) The athletic commission may adopt emergency rules under IC 4-22-2-37.1 if the athletic commission determines that:**

- (1) the need for a rule is so immediate and substantial that the ordinary rulemaking procedures under IC 4-22-2 are inadequate to address the need; and**
- (2) an emergency rule is likely to address the need.**

SECTION 24. IC 25-9-1-5, AS AMENDED BY P.L.197-2007,

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SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Boxing, ~~and~~ sparring, **and unarmed combat** matches or exhibitions, **whether or not** for prizes or purses, may be held in Indiana.

(b) The commission:

- (1) has the sole direction, management, control, and jurisdiction over all boxing, ~~and~~ sparring, **and unarmed combat** matches or exhibitions to be conducted, held, or given in Indiana; and
- (2) may issue licenses for those matches or exhibitions.

(c) A boxing, ~~or~~ sparring, **or unarmed combat** match or an exhibition that is:

- (1) conducted by any school, college, or university within Indiana; **or**
- (2) sanctioned by United States Amateur Boxing, Inc.; ~~or~~
- ~~(3) without a prize or purse;~~

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) **Except as provided under IC 25-9-1-9.5**, no boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the ~~state boxing athletic~~ commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 25. IC 25-9-1-6, AS AMENDED BY P.L.197-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The commission may:

- (1) cause to be issued by the **executive director of the Indiana professional licensing agency gaming commission** under the name and seal of the ~~state boxing~~ commission, an annual license in writing for holding boxing, ~~or~~ sparring, **or unarmed combat** matches or exhibitions to any person who is qualified under this chapter; and
- (2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition where one (1) or more contests are to be held, obtain a permit from the ~~state boxing~~ commission.

(c) Annual licenses may be revoked **or suspended** by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

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(d) A person who conducts a boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 26. IC 25-9-1-7, AS AMENDED BY P.L.197-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition shall be:

(1) made in writing upon forms prescribed by the ~~state boxing commission~~ and shall be addressed to and filed with the **executive director of the Indiana professional licensing agency; gaming commission**; and

(2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition, shall, among other things, state:

(1) the time and exact place at which the boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition is proposed to be held;

(2) the names of the contestants who will participate and their seconds;

(3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;

(4) the admission charge which is proposed to be made;

(5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the participants;

(6) the name and address of the person making the application;

(7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and

(8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the ~~licensing agency~~ **executive director of the Indiana gaming commission** proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 27. IC 25-9-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. All promoters, either corporations or natural persons, physicians, referees, judges, timekeepers, matchmakers, professional boxers, **unarmed competitors**, ~~their~~ managers of professional boxers or **unarmed competitors**, trainers and seconds, shall be licensed as provided in this

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chapter, and no such corporation or person shall be permitted to participate, either directly or indirectly, in any such boxing, ~~or sparring,~~  
**or unarmed combat** match or exhibition, or the holding thereof, unless such corporation and all such persons shall have first procured licenses. For the purpose of this chapter a "professional boxer" is deemed to be one who competes for money or teaches or pursues or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain; and ~~any~~ **No** contest conforming to the rules, regulations and requirements of this chapter shall be deemed to be a **boxing match** and ~~not~~ a prize-fight.

SECTION 28. IC 25-9-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9.5. (a) As used in this section, "amateur mixed martial arts" refers to mixed martial arts that is:**

**(1) performed for training purposes in a school or other educational facility for no:**

**(A) purse; or**

**(B) prize with a value greater than one hundred dollars (\$100); or**

**(2) performed in a match, contest, exhibition, or performance for no:**

**(A) purse; or**

**(B) prize with a value greater than one hundred dollars (\$100).**

**(b) As used in this section, "promoter" means the person primarily responsible for organizing, promoting, and producing an amateur mixed martial arts match or exhibition. The term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring an amateur mixed martial arts match unless:**

**(1) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match or exhibition; and**

**(2) there is no other person primarily responsible for organizing, promoting, and producing the match or exhibition.**

**(c) For amateur mixed martial arts matches or exhibitions, only:**

**(1) a body sanctioning the match or exhibition; and**

**(2) the promoter of the match or exhibition;**

**must procure licenses under this article. The commission shall develop procedures and standards governing application for licensure and license renewal of bodies sanctioning a match or exhibition and promoters under this section. The commission shall**

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develop procedures for inspection and enforcement with respect to licenses issued under this subsection.

(d) The commission shall adopt rules under IC 4-22-2 to license sanctioning bodies and promoters required to be licensed under this chapter.

(e) The commission shall adopt rules under IC 4-22-2 that apply to each match or exhibition covered under this section and that determine requirements for the following:

- (1) The presence of a medical doctor licensed under IC 25-22.5.
- (2) The presence of an ambulance.
- (3) Requirements for medical and life insurance to be carried for each participant.
- (4) The need for medical tests, including:
  - (A) tests for HIV;
  - (B) pregnancy tests for women participants; and
  - (C) screening tests for illegal drugs.

SECTION 29. IC 25-9-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. No permit or license may be issued to any person who has not complied with this chapter or who, prior to the applications, has failed to obey a rule, regulation or order of the ~~state boxing~~ commission. In the case of a club, corporation, or association, no license or permit may be issued to it if, prior to its application, any of its officers have violated this chapter or any rule, regulation or order of the ~~state boxing~~ commission. No promoters, physicians, referees, judges, timekeepers, matchmakers, ~~or~~ professional boxers, **unarmed competitors**, ~~their~~ managers of **professional boxers or unarmed competitors**, trainers or seconds may be licensed if they are holders of a federal gambling stamp. A license or permit when issued shall recite that the person to whom it is granted has complied with this chapter, and a license or permit is not transferable.

SECTION 30. IC 25-9-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. The commission shall have full power and authority to limit the number of boxing, ~~or~~ sparring, **or unarmed combat** matches or exhibitions to be held or given by any person, club, organization, or corporation in any city or town in this state.

SECTION 31. IC 25-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A person to whom a permit is issued shall not:

- (1) hold the match or exhibition at any other time or place;

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- (2) permit any other contestant to participate in the match or exhibition;
- (3) charge a greater rate or rates of admission; or
- (4) pay a greater fee, compensation, or percentage to contestants than that specified in the application filed prior to the issuance of the permit.

(b) Notwithstanding subsection (a), in case of emergency the commission may, upon application, allow a person to hold a boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition wherever and whenever it may deem fit within the city in which the person is located and substitute contestants or seconds as circumstances may require.

SECTION 32. IC 25-9-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. In case the ~~state boxing~~ commission refuses to grant a license or permit to any applicant, the applicant, at ~~his or its~~ **the applicant's** option, shall be entitled to a hearing in the manner hereinafter provided, but if the ~~state boxing~~ commission, prior to such refusal, after a hearing, has found by a valid finding that the applicant has been guilty of disobeying any rule, regulation, or order, of the ~~state boxing~~ commission, or of any of the provisions of this chapter, such applicant shall not be entitled to a license or permit; and in case any boxing, ~~or~~ sparring, **or unarmed combat** match, or exhibition has been conducted by any person, club, corporation, or association under the provisions of this chapter, the ~~state boxing~~ commission on its own motion, or on the petition of any resident of the state of Indiana, under the provisions of IC 25-1-7, ~~and section 14 of this chapter~~, may conduct a hearing to determine whether such person, club, corporation, or association has disobeyed any rule, regulation, or order of the ~~state boxing~~ commission or has been guilty of any violation of the provisions of this chapter.

SECTION 33. IC 25-9-1-14.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14.1. Any hearing by the ~~board commission~~ shall be in accordance with IC 4-21.5-3.

SECTION 34. IC 25-9-1-15, AS AMENDED BY P.L.197-2007, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing, ~~or~~ sparring, **or unarmed combat** matches or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 35. IC 25-9-1-16, AS AMENDED BY P.L.197-2007, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 16. (a) A person shall not:

- (1) permit any person under the age of eighteen (18) years to participate in any boxing or sparring match or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition conducted by it; or
- (3) participate in or permit any sham or collusive boxing or sparring match or exhibition.

(b) A person who violates this section shall, in addition to any criminal penalty:

- (1) have the person's license or permit revoked, **suspended, or restricted by the commission;**
- (2) **be placed on probation by the commission;**
- (3) **pay a civil penalty not to exceed one thousand dollars (\$1,000) imposed by the commission; and be**
- (4) **be rendered ineligible by the commission** for a license or permit at any future time; **or**
- (5) **be subject to the imposition by the commission of any combination of the penalties set forth in subdivisions (1) through (4).**

SECTION 36. IC 25-9-1-17, AS AMENDED BY P.L.197-2007, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match or exhibition where the match or exhibition is conducted by a licensed person; or
- (2) being under the age of eighteen (18), participate in any boxing or sparring match or exhibition.

(b) If a person violating this section is a licensed contestant in this state, the person shall for the first offense, in addition to the fine: ~~suffer a revocation of the~~

- (1) **have the person's license or permit and for revoked, suspended, or restricted by the commission;**
- (2) **be placed on probation by the commission;**
- (3) **pay a civil penalty not to exceed one thousand dollars (\$1,000) imposed by the commission;**
- (4) **be rendered ineligible by the commission for a license or permit at any future time; or**
- (5) **be subject to the imposition by the commission of any combination of the penalties set forth in subdivisions (1) through (4).**

**For a second offense, a licensed contestant who violates this section**

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**may** be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

SECTION 37. IC 25-9-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) Each contestant for boxing, ~~or~~ sparring, **or unarmed combat** shall be examined within two (2) hours prior to entering the ring by a competent physician licensed under IC 25-22.5 appointed by the commission. The physician shall, if ~~he~~ **the physician** so finds the facts, certify in writing forthwith over ~~his~~ **the physician's** signature that each contestant is physically fit to engage in the contest, and the physician's certificate shall be delivered to the commission before the contest. The physician shall also mail the report of examination to the commission within a period of twenty-four (24) hours after the contest. Blank forms of physicians' reports shall be furnished to physicians by the commission, and questions on blank forms must be answered in full. No match, contest, or exhibition shall be held unless a licensed physician is in attendance. Any boxer **or unarmed competitor** who, in the opinion of the physician, is physically unfit to enter the match or exhibition shall be excused by the commission or its deputy. During the conduct of the match or exhibition, the physician may observe the physical condition of the boxers **or unarmed competitors** and advise the referee with regard thereto; and if, in the opinion of the physician, any contestant in any match or exhibition is physically unfit to continue, ~~he~~ **the physician** shall so advise the referee.

(b) No boxing or sparring match or exhibition may last more than twelve (12) rounds, and no one (1) round may last more than three (3) minutes. There must not be less than one (1) minute intermission between each round. The commission may in respect to any bout or in respect to any class of contestants limit the number of rounds of the bout within the maximum of twelve (12) rounds.

(c) Any contestant in a boxing or sparring match or an exhibition shall wear gloves of standard make, weighing not less than eight (8) ounces, and the gloves worn by each of the contestants shall be equal in weight.

(d) At each boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition there must be in attendance, at the expense of the person conducting the match or exhibition, a duly licensed referee who shall direct and control the same. Before starting each contest, the referee

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shall ascertain from each contestant the name of his chief second, and shall hold the chief second responsible for the conduct of his assistant seconds during the contest. The referee may declare forfeited any remuneration or purse or any part thereof belonging to the contestants, or one (1) of them, if, in the referee's judgment, the contestant or contestants are not honestly competing. Any remuneration or purse, or part thereof, so forfeited shall be paid into the ~~state treasury for the use of the state~~ **fund**.

(e) There must also be in attendance at the expense of the person conducting the match or exhibition three (3) duly licensed judges who shall, at the termination of each boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition render their decisions as to the winner.

(f) A person who holds any boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition in violation of this section commits a Class A infraction.

(g) A physician who knowingly certifies falsely to the physical condition of any contestant commits a Class B infraction.

SECTION 38. IC 25-9-1-19, AS AMENDED BY P.L.197-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) No contestant shall be permitted to participate in any boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition unless duly registered and licensed with the ~~state boxing~~ commission, which license must be renewed biennially. The license fee and the renewal fee shall not be less than five dollars (\$5) paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a contestant shall file an application in writing with the **executive director of the** Indiana ~~professional licensing agency; gaming commission~~, which application shall, among other things, state:

- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. Application for renewal license shall be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana, who has been licensed as provided in this article, and

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has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing, ~~or~~ sparring, **or unarmed combat** matches or exhibitions.

SECTION 39. IC 25-9-1-20, AS AMENDED BY P.L.194-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The commission shall, upon **proper** application, ~~to the Indiana professional licensing agency,~~ grant licenses to competent referees and judges whose qualifications may be tested by the commission, and the commission may revoke any such license granted to any referee or judge upon such cause as the commission may deem sufficient. Such license must be renewed biennially. No person shall be permitted to act as referee or judge in Indiana unless holding such license.

(b) The application for license as referee, or renewal thereof, shall be accompanied by a fee established by the commission under IC 25-1-8-2.

(c) The commission shall appoint from among such licensed officials, all officials for all contests held under this chapter.

SECTION 40. IC 25-9-1-20.5, AS AMENDED BY P.L.197-2007, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20.5. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If any such person shall be declared ineligible, the commission shall suspend such convicted person and declare the person ineligible to participate in any boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license in the manner provided, and the commission may rescind the prior order of suspension.

SECTION 41. IC 25-9-1-21, AS AMENDED BY P.L.197-2007, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) Any license provided for under this chapter may be revoked or suspended by the commission for reasons deemed

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sufficient under this chapter and under IC 25-1-11.

(b) If a person displays to the public credentials issued by the commission that:

- (1) have been revoked or suspended under this section or under sections 16, 17, and 20.5 of this chapter; or
- (2) have expired;

the commission may act under this section, or the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing, ~~or~~ sparring, **or unarmed combat** match, exhibition, or other activity regulated by the commission.

SECTION 42. IC 25-9-1-22, AS AMENDED BY P.L.197-2007, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

- (1) furnish to the ~~Indiana professional licensing agency~~ **commission** by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; ~~and~~
- (2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the ~~state general~~ fund; **and**
- (3) **pay all fees established by the commission necessary to cover the administrative costs of its regulatory oversight function.**

(b) Before any license shall be granted for any boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition in this state, a bond or other instrument that provides financial recourse must be provided to the ~~state boxing~~ commission. The instrument must be:

- (1) in an amount determined by the commission;
- (2) approved as to form and sufficiency of the sureties thereon by the commission;
- (3) payable to the state of Indiana; and
- (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid

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rules of the commission.

SECTION 43. IC 25-9-1-22.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22.5. (a) Every person, club, corporation, firm, or association holding or showing any boxing, ~~or~~ sparring, **or unarmed combat** matches on a closed circuit telecast, pay per view telecast, or subscription television viewed within Indiana, whether originating within Indiana or another state, shall furnish the **executive director of the Indiana professional licensing agency gaming commission** a written report, under oath, stating the amount of gross proceeds thereof, and such other matter as the commission may prescribe, and shall, within seventy-two (72) hours after the showing of the contest, pay a tax of five percent (5%) of its total gross receipts for the showing of the boxing, ~~or~~ sparring, **or unarmed combat** match. Money derived from such state tax shall be placed in the ~~state general~~ fund.

(b) This section does not apply to a showing occurring at a private residence.

SECTION 44. IC 25-9-1-24, AS AMENDED BY P.L.197-2007, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing the official representative to act as an inspector wherever the commission may designate the official representative to act. One (1) inspector or deputy shall be present at all boxing, ~~or~~ sparring, **or unarmed combat** matches or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the final box-office statement received by ~~him~~ **the inspector or deputy** from the person or officers of the club, corporation, or association conducting the match or exhibition.

SECTION 45. IC 25-9-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. The weights and classes of boxers **and unarmed competitors** and the rules and regulations of boxing **and unarmed combat** shall be determined by the ~~state boxing~~ commission.

SECTION 46. IC 25-9-1-26, AS AMENDED BY P.L.197-2007, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. All tickets of admission to any boxing, ~~or~~ sparring, **or unarmed combat** match or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club,

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corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 47. IC 25-9-1-28, AS AMENDED BY P.L.1-2006, SECTION 426, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. All fees received by the **executive director of the Indiana professional licensing agency** (~~IC 25-1-5-3~~) **gaming commission** on behalf of the commission under the provisions of this chapter shall be paid to the **state treasurer to be placed by the treasurer in the general fund of the state: fund.**

SECTION 48. IC 25-9-1-34 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 34. The commission may adopt rules under IC 4-22-2 to administer this chapter.**

SECTION 49. IC 35-45-18-1, AS ADDED BY P.L.112-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) As used in this chapter, "combative fighting" (also known as "toughman fighting", "badman fighting", and "extreme fighting") means a match, contest, or exhibition that involves at least (2) contestants, with or without gloves or protective headgear, in which the contestants:

- (1) use their:
  - (A) hands;
  - (B) feet; or
  - (C) both hands and feet;
 to strike each other; and
- (2) compete for a financial prize or any item of pecuniary value.
- (b) The term does not include:
  - (1) a boxing, ~~or~~ sparring, **or unarmed combat** match regulated under IC 25-9;
  - (2) ~~ultimate fighting~~, as defined by the state boxing commission in rules adopted under ~~IC 25-9-1-4.5~~;
  - (3) ~~Ultimate Fighting Championships~~, as defined by the state boxing commission in rules adopted under ~~IC 25-9-1-4.5~~;
  - (4) ~~(2)~~ mixed martial arts as defined by the state boxing commission in rules adopted under ~~IC 25-9-1-4.5~~; **(as defined by IC 25-9-1-0.3).**
  - (5) ~~(3)~~ martial arts, as ~~defined~~ **regulated** by the state ~~boxing athletic~~ commission in rules adopted under IC 25-9-1-4.5;
  - (6) ~~(4)~~ professional wrestling, as ~~defined~~ **regulated** by the state ~~boxing athletic~~ commission in rules adopted under IC 25-9-1-4.5;
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~~(7)~~ (5) a match, contest, or game in which a fight breaks out among the participants as an unplanned, spontaneous event and not as an intended part of the match, contest, or game.

SECTION 50. [EFFECTIVE JULY 1, 2009] **808 IAC 1-1.1-2, 808 IAC 1-1.1-3, and 808 IAC 1-1.1-4 are void. The publisher of the Indiana Administrative Code and Indiana Register shall remove these sections from the Indiana Administrative Code.**

SECTION 51. [EFFECTIVE JULY 1, 2009] (a) **The rules adopted by the state boxing commission before July 1, 2009, and in effect on June 30, 2009, shall be treated after June 30, 2009, as the rules of the state athletic commission.**

(b) **On July 1, 2009, the state athletic commission becomes the owner of all personal property of the state boxing commission abolished by this act.**

SECTION 52. [EFFECTIVE JULY 1, 2009] **Any rules adopted by the Indiana professional licensing agency before July 1, 2009, and in effect on June 30, 2009, that govern the state boxing commission shall be treated after June 30, 2009, as the rules of the state athletic commission established by IC 25-9-1-1, as amended by this act.**

SECTION 53. [EFFECTIVE JULY 1, 2009] (a) **As used in this SECTION, "fund" refers to the athletic commission fund created by IC 25-9-1-1.5, as added by this act.**

(b) **There is appropriated to the fund from the state general fund an amount sufficient to administer IC 25-9-1 for the state fiscal year beginning July 1, 2009, and ending July 1, 2010.**

(c) **This SECTION expires December 31, 2010.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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